

## REMARKS

### INTRODUCTION

In accordance with the foregoing, claims 3-8, 11-12, and 15-18 are withdrawn from consideration. Claims 1, 9, 10, and 13 are pending and under consideration.

### CLAIM REJECTIONS

Claims 1, 9, 10, and 13 were rejected under 35 USC 102(b) as being anticipated by JP 11-339294 (hereinafter "Yasuda").

Yasuda discusses an adjusting method for an objective lens drive device. In the adjustment method of Yasuda, a holder 4 is moved to the maximum moving range in a focusing direction by flowing a constant direction current in a focus coil 2. Then, the tilt of an objective lens 1 is detected by using an autocollimator 12, the position of the yoke 9 in a tracking direction is adjusted, the yoke is adhered and fixed. As a result of doing so, the radial tilt becomes becomes approximately zero, even though the holder 4 moves to any location in a focusing direction. Yasuda, English Abstract.

#### **Claims 1, 9, 10 and 13**

Independent claims 1, 9, 10 and 13 recite: "...wherein the magnet is displaced a predetermined distance from a center line of the blade to an asymmetric position such that the electromagnetic force acts on the blade asymmetrically and in a radial direction of the disc toward an outer circumference of the disc." The Office Action relies on paragraph [0016] of Yasuda to show this technical feature of the independent claims. It is presumed that the Examiner particularly relies on the discussion in paragraph [0016] of Yasuda that "[w]hen a magnet 8 is moved in the direction of tracking, the point of application of electromagnetic force 13 will also be moved in the direction of tracking (refer to drawing 3), and the amount of radial tilts of an objective lens 1 will also change."

However, it is respectfully submitted that this portion, or any other, of Yasuda anticipates the technical feature of the independent claims where the magnet is displaced a predetermined distance from a center line of the blade to an asymmetric position such that the electromagnetic force acts on the blade asymmetrically. Yasuda discusses the effect of moving a magnet on the point of application of electromagnetic force. But contrary to the independent claims, the method

of Yasuda relies on detecting the tilt of an objective lens by using an autocollimator 12, adjusting the position of the yoke 9 in a tracking direction, and then adhering and fixing the yoke. As stated in Yasuda, this has the objective making the tilt of the objective lens approximately zero.

By contrast, instead of moving a yoke as in Yasuda, the independent claims of the present invention recite displacing the magnet a predetermined distance from a center line of the blade. Although a method may be used to anticipate an apparatus, that method still must include each of the claimed elements in order to support a prima facie case of anticipation. Still further, the prior art reference must disclose each element of the claimed invention arranged as in the claim. See *Lindermann Mashinenfabrik GmbH v. American Hoist & Derrick Co.*, 730 F.2d 1452, 221 481, 485 (Fed. Cir. 1984). Yasuda does not include a step of displacing a magnet.

This technical feature of the independent claims allows the optical pickup to be intentionally tilted in a desired direction during a focus control operation by an electromagnetic force acting asymmetrically on the blade so that the optical pickup can be effectively applied for focus controlling to a disc having a deflection error. By contrast, Yasuda has the objective of making the inclination of the optical axis of an objective lens with respect to the emitted light beams from a light source become approximately zero.

Withdrawal of the foregoing rejection is requested.

**CONCLUSION**

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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